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Attorneys for Defendants State of California, by and
8 *through the California Highway Patrol, Blackwood,*
Kee, and Rubalcava

10 IN THE UNITED STATES DISTRICT COURT
11 FOR THE CENTRAL DISTRICT OF CALIFORNIA
12 EASTERN-RIVERSIDE DIVISION

14 **L.C.,**

15 Plaintiffs,

16 **v.**

18 **STATE OF CALIFORNIA, et al.,**

19 Defendants.

No. 5:22-cv-00949 KK-SHKx

**DEFENDANTS' OPPOSITION TO
PLAINTIFFS' MOTION IN LIMINE
NOS. 1 TO EXCLUDE EVIDENCE OF
DECEDENT'S CRIMINAL HISTORY,
LAW ENFORCEMENT CONTACTS,
GANG AFFILIATION AND
POTENTIAL CHARGES;
SUPPORTING DECLARATION**

20 Date: May 15, 2025
21 Time: 9:30 a.m.
Courtroom: 3 (3rd Floor)
22 Judge: Honorable Kenly Kiya Kato
Trial Date: June 2, 2025
23 Action Filed: June 7, 2022

24
25 Defendants State of California, by and through California Highway Patrol
26 (CHP), Blackwood, Kee, and Rubalcava (State Defendants) oppose Plaintiffs'
27 motion in limine No. 1 for all the reasons set forth in the County Defendants'
28 opposition to this motion. (*See* ECF No. 161; State Defs.' Joinder in County Defs.')

1 Opp'n to Pls.' Mot. in Limines Nos. 1-3 & 5, ECF No. 164.) State Defendants
2 submit this opposition to address Plaintiffs' incorrect assertion in their motion that
3 decedent Hector Puga was unknown to them before the February 17, 2021 incident
4 at issue here (erroneously listed as "January 17, 2021" in Plaintiffs' motion).

5 On February 16, 2021, Puga shot at a complete stranger during a road-rage
6 incident on the freeway. Kee was involved in the investigation of the freeway
7 shooting, spoke with the victim who provided Kee with a description of the shooter
8 (later identified as Puga) and vehicle, issued a BOLO broadcast for Puga, and
9 briefed other CHP officers, including Defendants Blackwood and Rubalcava, about
10 the shooting at the start of their work shift. (Arrest Report at pp. 8-9, 11-12,
11 attached as Ex. A.) Puga was wanted for attempted murder, assault with a deadly
12 weapon, and discharge of a firearm. (*Id.* at p. 6.)

13 When Blackwood and Rubalcava encountered Puga's vehicle in the early
14 hours of February 17, 2021, they were aware that the driver was a suspect in the
15 freeway shooting the day before. They were aware that Puga had fired a gun at an
16 innocent driver and was likely still in possession of the gun. When the State
17 Defendants pursued Puga for almost an hour, they had knowledge that he was
18 suspected of being an armed and dangerous. Defendants' knowledge of Puga's
19 suspected involvement in the freeway shooting influenced how they interacted with
20 him during the standoff that ultimately led to the shooting incident.

21 The February 16, 2021 freeway shooting incident was the catalyst for the State
22 Defendants' interaction with Puga on February 17, 2021, and Defendants'
23 knowledge of his earlier shooting of another driver is relevant to their perception
24 that he posed an imminent threat of death or serious bodily injury when he reached
25 for the gun in his waistband. Defendants reasonably believed, based on their
26 knowledge of the freeway shooting, that Puga would use the gun in his waistband
27 since he had shot at an innocent person the day before. Thus, evidence of the
28

1 February 16, 2021 freeway shooting is highly relevant, and its probative value far
2 outweighs any resulting prejudice. The Court should therefore allow evidence of
3 the February 16, 2021 shooting, and deny Plaintiffs' motion.

4
5 Dated: April 24, 2025

Respectfully submitted,

6 ROB BONTA
7 Attorney General of California
8 NORMAN D. MORRISON
Supervising Deputy Attorney General

9 */s/ Diana Esquivel*

10 DIANA ESQUIVEL
11 Deputy Attorney General
12 *Attorneys for Defendants State,*
Blackwood, Kee, and Rubalcava

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CERTIFICATE OF COMPLIANCE

The undersigned, counsel of record for Defendants State of California, Blackwood, Kee, and Rubalcava, certifies that this brief contains 765 words, which complies with the word limit of L.R. 11-6.1.

Dated: April 24, 2025

/s/ *Diana Esquivel*
Diana Esquivel

DECLARATION OF DIANA ESQUIVEL

I, Diana Esquivel, declare:

1. I am admitted to practice law in California and before this Court, and am a Deputy Attorney General with the Office of the Attorney General for the State of California, attorneys of record for Defendants State of California, by and through the California Highway Patrol, Michael Blackwood, Isaiah Kee, and Bernardo Rubalcava (State Defendants).

2. Exhibit A is a true and correct copy of the CHP 216 Arrest—Investigation Report concerning the February 16, 2021 freeway shooting.

I declare under penalty of perjury under the laws of the United States and the State of California that the foregoing statements are true and correct.

Dated: April 24, 2025

/s/ Diana Esquivel
Diana Esquivel

Exhibit A

STATE OF CALIFORNIA

DEPARTMENT OF CALIFORNIA HIGHWAY PATROL

ARREST - INVESTIGATION REPORT

CHP 216 (Rev. 11-15) OPI 061

DATE/TIME OF ARREST REPORT

DATE/TIME OF INCIDENT

02/16/2021

1745

CITATION NUMBER

NONE

OFFENSE(S) CHARGED OR INVESTIGATED

664 PC/ 187 PC, 245(A)(2) PC, 246 PC

JUS 8715 REQUIRED

NUMBER

SUBJECT NO 1 OF 1

NAME (last, first, middle)

PUGA, HECTOR JAVIER

AKA

UNKNOWN

RESIDENCE ADDRESS 9940 RAMONA STREET
BELLFLOWER CA 90706 USMAILING ADDRESS 16612 INDIANA AVENUE
PARAMOUNT CA 90723 US☐ SAME

RACE Hispanic SEX M BIRTHDATE 01/17/1989 HAIR BRN EYES BRN HEIGHT 5-09 WEIGHT 200

PLACE OF BIRTH (city, state, country)
UNKNOWNDISPATCH
NOTIFIEDDRIVERS LICENSE NUMBER
D7320932STATE
CADDL STATUS
SUSPENDEDMISC (SSN, INS #, ETC.)
N/A☒ YES ☐ NOEMPLOYER
UNKNOWNADDRESS
USTIME 1750
ID A07785
LOG 186

BOOKING, CII, FBI, ETC., NUMBER(S)

WHERE BOOKED/CONFINED

DATE/TIME

FINGERPRINTED
☐ YES ☒ NO☐ JUVENILE ☐ FOREIGN NATIONAL ☐ IMMUNITY CLAIM

NOTIFYING OFFICIAL

VEHICLE

LICENSE 4NOM967 STATE CA YEAR 2021 VIN/EN NUMBER 1FMEU17L4YLC09487 VEHICLE WAS ☐ PARKED ☐ RELEASED ☐ STORAGE AUTHORITY
☐ STORED ☐ RECOVERED ☐ IMPOUNDEDVEH YEAR 2000 MAKE FORD BODY STYLE EXPEDITI COLOR WHT BODY TYPE SUV LOCATION OF VEHICLE/RELEASED TO/TELEPHONE NUMBER
FLED SCENENAME OF REGISTERED OWNER ☐ SAME AS SUBJECTADDRESS 8609 CEDAR STREET
BELLFLOWER CA 90706 US☐ SAME AS SUBJECT

SALAS ANTONIA, OR SALAS SAMUEL

NAME OF LEGAL OWNER

☒ SAME AS R/O

ADDRESS

LOCATION OF KEYS
WITH VEHICLE

WITNESS

PHONE

BIRTHDATE	SEX	NAME	<input type="checkbox"/> WITNESS <input type="checkbox"/> PASSENGER	ADDRESS/AGENCY	PHONE RES: BUS:
			<input type="checkbox"/> WITNESS <input type="checkbox"/> PASSENGER		RES: BUS:
			<input type="checkbox"/> WITNESS <input type="checkbox"/> PASSENGER		RES: BUS:
			<input type="checkbox"/> WITNESS <input type="checkbox"/> PASSENGER		RES: BUS:

VICTIM INFORMATION

1 NAME SALVADOR HERNANDEZ PACHECO		ADDRESS PO BOX 665 BLOOMINGTON CA 92316 US				
BIRTHDATE 07/28/1982	SEX M	DL# D3810177	STATE CA	DAY PHONE (909)600-4743	EVENING PHONE None	
VEH.LIC.# 7ZTU362	STATE CA	YEAR 2017	MAKE HOND	BODY STYLE CIVIC	COLOR BLK	BODY TYPE PASSENGER
2 NAME		ADDRESS				
BIRTHDATE	SEX	DL#	STATE	DAY PHONE	EVENING PHONE	
VEH.LIC.#	STATE	YEAR	MAKE	BODY STYLE	COLOR	BODY TYPE

MISDEMEANOR INCARCERATION

(To be completed upon physical arrest for any misdemeanor, pursuant to Penal Code Section 853.6.)

As determined by the arresting officer, the person arrested:

- ☐ was so intoxicated as to be a danger to himself/herself or others.
- ☐ required medical examination or medical care or was otherwise unable to care for his/her own safety.
- ☐ was arrested under one or more of the circumstances listed in Sections 40302 and 40303 of the Vehicle Code (Note 5 and 8 if also applicable).
- ☐ had one or more outstanding arrest warrants issued.
- ☐ could not provide satisfactory evidence of personal identification.
- ☐ if released immediately, would jeopardize the prosecution of the offense or offenses for which arrested or the prosecution of any other offenses.
- ☐ would be reasonably likely to continue the offense or offenses, or the safety of persons or property would be imminently endangered if immediately released.
- ☐ demanded to be taken before a magistrate or refused to sign the citation.
- ☐ would not appear at the time and place specified in the notice.
- ☐ Other:

ARRESTING/INVESTIGATING OFFICER

(Print name/rank)

Alejandro Tovar / Officer

I.D. NUMBER

021643

REVIEWED BY

(Print name/rank)

I.D. NUMBER

DATE

PUGA, HECTOR JAVIER

Case 5:22-cv-00949-KK-SHK

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Doc # 3993 Filed 04/24/25

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NONE/103885021

#3993

ARREST -- INVESTIGATION REPORT NARRATIVE(CONTINUED)

ADMONITION OF RIGHTS

1. YOU HAVE THE RIGHT TO REMAIN SILENT.

2. ANYTHING YOU SAY CAN AND WILL BE USED AGAINST YOU IN A COURT OF LAW.

THE ABOVE STATEMENT WAS READ TO THE ARRESTEE BY:

☒ NOT ADVISED ☐ ARRESTING OFFICER ☐ OR:

I.D.

TIME:

3. YOU HAVE THE RIGHT TO TALK WITH AN ATTORNEY AND TO HAVE AN ATTORNEY PRESENT BEFORE AND DURING QUESTIONING.

4. IF YOU CANNOT AFFORD AN ATTORNEY, ONE WILL BE APPOINTED FREE OF CHARGE TO REPRESENT YOU BEFORE AND DURING QUESTIONING, IF YOU DESIRE.

DO YOU UNDERSTAND EACH OF THESE RIGHTS I HAVE EXPLAINED TO YOU?

☐ YES ☐ NO

HAVING THESE RIGHTS IN MIND, DO YOU WISH TO TALK TO US NOW?

☐ YES ☐ NO

WAIVER STATEMENT

SEE PAGE THREE.

STATE OF CALIFORNIA

NARRATIVE/SUPPLEMENTAL

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DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
02/16/2021	1745	9850	021643	F03885021

1. CASE IDENTIFICATION:

3 CHP Felony Number: F03885021

4 CHP Log Number: 210216BS00186

5 Date / Time of incident: February 16, 2021 / 1745 hours

7 Name / DOB: Hector Javier Puga / January 17, 1989

8 Description: Hispanic, Male, BRN Hair, BRN Eyes, 5'-09", 200 lbs.

9 Scar / Oddity / Tattoo: Unknown

10 Residence Address: 9940 Ramona Street, Bellflower, CA 90706

11 License or Identification (State): Suspended, CA DL: D7320932

12 Social Security Number: Unknown

13 Booking information: N/A

14 Probation / Parole: Parole

15 Birthplace: Unknown

17 Charges: 664 PC/187 PC- Attempted Murder
245(A)(2) PC – Assault with a Deadly Weapon
246 PC – Discharge Firearm



PREPARED BY
ALEJANDRO TOVAR /
OFFICER

I.D. NUMBER
021643

DATE
02/16/2021

REVIEWER'S NAME

DATE

STATE OF CALIFORNIA

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DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
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2. CASE INDEX**PAGE**

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5	Violations Investigated	5
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8	Narrative	11-17
9	Evidence	18
10	Analysis and Opinions	19
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DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
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3. VIOLATIONS INVESTIGATED:

664 PC/ 187(A) PC- Attempted Murder

“Every person who attempts to commit any crime, but fails, or is prevented or intercepted in its perpetration, shall be punished where no provision is made by law for the punishment of those attempts

(a) Murder is the unlawful killing of a human being, or a fetus, with malice aforethought.”

245(A)(2) PC – Assault with a Deadly Weapon

“Any person who commits an assault upon the person of another with a firearm shall be punished by imprisonment in the state prison for two, three, or four years, or in a county jail for not less than six months and not exceeding one year, or by both a fine not exceeding ten thousand dollars (\$10,000) and imprisonment.”

246 PC – Discharge of Firearm

“Any person who shall maliciously and willfully discharge a firearm at an inhabited dwelling house, occupied building, occupied motor vehicle, occupied aircraft, inhabited housecar, as defined in Section 362 of the Vehicle Code, or inhabited camper, as defined in Section 243 of the Vehicle Code, is guilty of a felony, and upon conviction shall be punished by imprisonment in the state prison for three, five, or seven years, or by imprisonment in the county jail for a term of not less than six months and not exceeding one year.”

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ALEJANDRO TOVAR / OFFICER	021643	02/16/2021		

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STATE OF CALIFORNIA

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1 **4. SUMMARY:**

2

3 On Tuesday, February 16, 2021, at approximately 1808 hours, I was on-duty (Unit 12-83), in uniform, in a

4 marked CHP patrol vehicle, when I received a radio call from CHP Barstow Dispatch Center (BDC) of a

5 freeway shooting. BDC informed me the freeway shooting occurred on Interstate 15 (I-15) northbound

6 (Barstow Freeway), between Palmdale Road and Roy Rogers Drive. The victim, later identified as Salvador

7 Hernandez Pacheco, told BDC the suspect was driving a white Ford Expedition, with black rims. The

8 suspect was identified as a Hispanic male. BDC informed me Pacheco was waiting with a San Bernardino

9 County Sheriff-Coroner's Department (SBCSD) Deputy for a CHP unit near the intersection of La Paz

10 Drive and Seventh Street. I responded from the vicinity of I-15 northbound, north of Main Street.

11

12 At approximately 1815 hours, I located Pacheco and the SBCSD unit at the 99 Cent Store parking lot,

13 located at 14670 Seventh Street, Victorville, CA 92395. Upon my arrival, I was contacted by SBCSD

14 Deputy J. Johnson, IDH7557, who related Pacheco was shot at while driving on I-15 northbound, between

15 Palmdale Road and Roy Rogers Drive. I contacted Pacheco and identified by his California Driver License

16 (D3810177).

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ALEJANDRO TOVAR / OFFICER	021643	02/16/2021		

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Ex. A - 7
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STATE OF CALIFORNIA

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4. SUMMARY (CONTINUED):*VICTIM STATEMENT:*

After identifying Pacheco, he related the following: He was driving his black Honda Civic, on I-15 northbound, in the #1 lane, at approximately 80 miles per hour. While continuing northbound, from his right-side mirror, Pacheco saw a white Ford SUV, making unsafe lane changes across all lanes of I-15 northbound. Pacheco saw the Ford was to the rear of another unknown vehicle and was following too close. The unknown vehicle was in the #2 lane, to the right rear of Pacheco's vehicle. The Ford changed lanes from the #2 lane to the #3 lane and passed the unknown vehicle from the right. The Ford made an unsafe lane change from the #3 lane to the #2 lane, to the front of the unknown vehicle. As the Ford entered the #2 lane, the Ford partially veered into the #1 lane, causing Pacheco to steer his vehicle to the left, and entered the west asphalt shoulder. Pacheco was able to avoid a collision with the center median wall and re-entered the #1 lane.

With the intent of making a statement to the subject driver of the Ford, Pacheco rolled down his right front passenger side window. The driver side window of the Ford was down, and the subject yelled, "Fucking punk!" Pacheco immediately observed the subject display a black, 9mm pistol, with his right hand. The subject took his left hand off the steering wheel of the Ford and racked the gun. The subject placed his left hand on the Ford's steering wheel and held the pistol in his right hand. The pistol was pointed at Pacheco, and the subject fired the pistol one time.

The subject fled the scene taking I-15 northbound to Roy Rogers Drive off-ramp and Pacheco chased the Ford. The Ford made a right turn going eastbound on La Paz Drive. Pacheco was able to take a picture of the Ford with his cell phone. The Ford made a right turn going in a southerly direction within an unknown business parking lot, located in the area of La Paz Drive, west of Seventh Street. The Ford made a U-turn and re-entered eastbound La Paz Drive. Pacheco last saw the Ford going eastbound on La Paz Drive, west of

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DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D. NUMBER
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4. SUMMARY (CONTINUED):

VICTIM STATEMENT (CONTINUED):

Seventh Street. Pacheco drove his vehicle to the 99 Cent Store parking lot and called 9-1-1. Pacheco remained on scene and waited for law enforcement arrival.

Pacheco described the subject as a heavy set, bald, Hispanic male, with a trimmed mustache and a goatee. The subject was wearing a white shirt and was the only occupant of the Ford. Pacheco related he would be able to identify the subject in the future. In addition, the Ford was described as a white, older model, Ford Expedition, with unknown license plates. The Ford had stickers to the rear window stating, "Funeral."

On Wednesday, February 24, 2021, at approximately 1742 hours, Pacheco arrived at the CHP Victorville Area office for a photo lineup and contacted Officer C. Ramos, ID 21878. Prior to the photo line-up, Pacheco told me he saw an article of the officer involved shooting on www.VVNG.com. When Pacheco saw the pictures in the article, he immediately recognized the Ford in the article to be the subject vehicle. In addition, the pistol in the article was similar to the pistol he saw at the time of the incident, but he was not certain.

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
ALEJANDRO TOVAR / OFFICER	021643	02/16/2021		

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4. SUMMARY (CONTINUED):

SUSPECT STATEMENT:

No statement was obtained from Hector Javier Puga because he was pronounced deceased following an officer involved shooting. He was identified by the SBCSD Coroner's Office.

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Ex. A - 10
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DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
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5. AGENCIES INVOLVED:**California Highway Patrol – Victorville Area**

14210 Amargosa Road

Victorville, CA 92392

(760) 241-1186

- Officer A. Tovar, ID 21643 – Investigating Officer
- Sergeant I. Kee, ID 16418- Supervisor
- Officer X. Rodriguez, ID 21675- Assisting Officer
- Officer J. Leanos, ID 22386- Assisting Officer
- Officer J. Rodriguez, ID 21422- Assisting Officer
- Officer C. Ramos, ID 21878- Assisting Officer

California Highway Patrol – Inland Division

847 East Brier Drive

San Bernardino, CA 92408

(909) 806-2400

- Officer R. Maday, ID 19457– Assisting Investigator

San Bernardino County Sherriff- Coroner's Department – Victorville

14200 Amargosa Road

Victorville, CA 92392

(760) 241-2911

- Deputy J. Johnson, ID H7557 – Responding Deputy

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
ALEJANDRO TOVAR / OFFICER	021643	02/16/2021		

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6. NARRATIVE:

On Tuesday, February 16, 2021, at approximately 1808 hours, I was on-duty (Unit 12-83), in uniform, in a marked CHP patrol vehicle, when I received a radio call from CHP Barstow Dispatch Center (BDC) of a freeway shooting. BDC informed me the freeway shooting occurred on I-15 northbound (Barstow Freeway), between Palmdale Road and Roy Rogers Drive. The victim, later identified as Salvador Hernandez Pacheco, told BDC the suspect was driving a white Ford Expedition, with black rims. The suspect was identified as a Hispanic male. BDC informed me Pacheco was waiting with a San Bernardino County Sheriff-Coroner's Department (SBCSD) Deputy for a CHP unit near the intersection of La Paz Drive and Seventh Street. I responded from the vicinity of I-15 northbound, north of Main Street.

At approximately 1815 hours, I located Pacheco and the SBCSD unit at the 99 Cent Store parking lot, located at 14670 Seventh Street, Victorville, CA 92395. Upon my arrival, I was contacted by SBCSD Deputy J. Johnson, IDH7557, who related Pacheco was shot at while driving on I-15 northbound, between Palmdale Road and Roy Rogers Drive. Shortly after, Sergeant I. Kee, ID 16418, and Officer X. Rodriguez, ID 21675, arrived at my location.

I contacted Pacheco and identified him with his California Driver License (D3810177). Pacheco related he was shot at but did not sustain any injuries. After obtaining Pacheco's statement, he showed me a picture of the Ford from his cellphone, but it was blurry, and I was unable to obtain a plate number. Pacheco sent the picture to my business email for evidence. I relayed my findings to Sergeant Kee and he contacted BDC. Sergeant Kee advised BDC of Puga's physical description and the Ford's information for a Be on the Look Out broadcast.

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ALEJANDRO TOVAR / OFFICER	021643	02/16/2021		

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Ex. A - 12
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6. NARRATIVE (CONTINUED):

Pacheco gave me permission to inspect his vehicle for evidence and damage. Pacheco's vehicle was identified as a 2017 black Honda Civic (CA Plate number: 7ZTU362). Prior to entering the Honda, I saw a bullet hole located on the upper portion of the right front passenger side door. The bullet went through the exterior and the interior portion of the door. The bullet continued to travel and penetrated the right front passenger seat. No other damage was observed. With the assistance of Officer X. Rodriguez, we were able to locate one, unknown caliber bullet within the right front passenger seat. The bullet was located on the bottom portion of the right front passenger seat. Pictures were taken prior to obtaining the bullet for evidence. After locating the bullet, I took 360-degree pictures of the Honda and the damage caused by the bullet. Pacheco was released without further incident.

Picture number 1:



PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
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STATE OF CALIFORNIA

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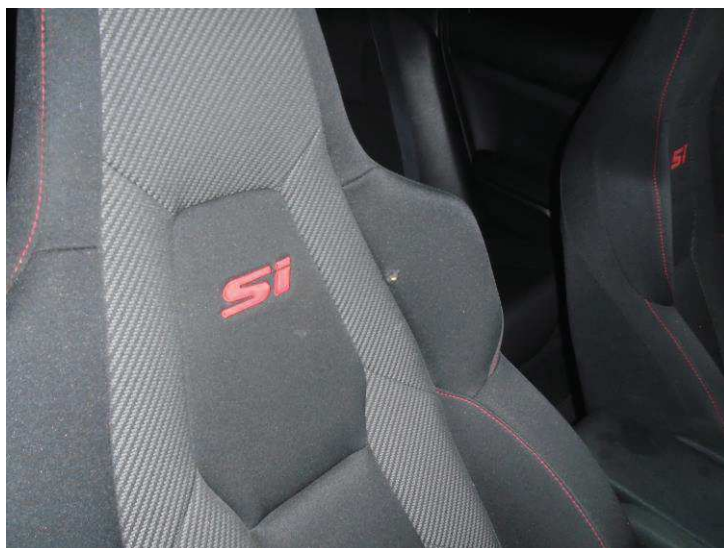
DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D.	NUMBER
02/16/2021	1745	9850	021643	F03885021

6. NARRATIVE (CONTINUED):

Picture number 2:



Picture number 3:



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DATE OF INCIDENT	TIME	NCIC NUMBER	OFFICER I.D. NUMBER
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6. NARRATIVE (CONTINUED):

After releasing Pacheco, Sergeant Kee, Officer X. Rodriguez, Officer J. Leanos, ID 22386, and I went to I-15 northbound, at Palmdale Road, to conduct a search for the casing. Traffic for I-15 northbound was stopped, and we did a search of the casing by foot from Palmdale Road to Roy Rogers Drive. No casing was located in the area.

On Wednesday, February 17, 2021, at approximately 1400 hours, I was contacted by Sergeant W. Osegueda, ID 16101. He related a vehicle matching the description of my freeway shooting was involved in an attempted murder of a peace officer. The Ford was located by Officer M. Blackwood, ID 21516, and Officer B. Rubalcava, ID 22510. Sergeant Osegueda advised me Officer R. Maday, ID 19457, from Inland Division Investigative Services Unit (ISU), was at the SBCSD Hesperia office, located at 15840 Smoke Tree Street, Hesperia, CA 92345. Officer Maday was with the passenger of the Ford.

At approximately 1548 hours, I contacted the passenger of the Ford, Christina Renee Barrett, at the SBCSD Hesperia office. Barrett was identified by her name and date of birth.

Name: Christina Renee Barrett

Date of Birth: April 11, 1987 Sex: Female

Address: 16773 A Street, Victorville, CA 92395

Phone: (760) 955-5606

PREPARED BY	I.D. NUMBER	DATE	REVIEWER'S NAME	DATE
ALEJANDRO TOVAR / OFFICER	021643	02/16/2021		

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Ex. A - 15
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STATE OF CALIFORNIA

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6. NARRATIVE (CONTINUED):

After identifying Barrett, she related the following: On Wednesday, February 17, 2021, in the late evening, the driver of the white SUV, identified as Hector Javier Puga, came to her residence located at 16773 A Street, Victorville, CA 92395, to visit her. Puga was upset he drove from Long Beach to Hesperia to visit his wife, named Claudia. Upon Puga's arrival, he did not find his wife at her house and immediately went to Barrett's residence. Barrett did not know exactly where Claudia lived, but believed Claudia lived near Main Street, within the city limits of Hesperia. Puga arrived at Barrett's residence and ate spaghetti with her. After eating his food, Puga stated he was going to make a phone call, but left Barrett's residence in his white SUV. Puga left Barrett's residence at approximately 1600 hours.

On Wednesday, February 17, 2021, after midnight, Barrett was contacted by Puga, via telephone, and was told he was going to pick her up. Shortly after, she was picked up by Puga and they went to an unknown store located on D Street, within the city limits of Apple Valley where Puga purchased alcohol. As Puga was driving within the area of Bear Valley Road, east of I-15, a CHP unit conducted an enforcement stop and a pursuit ensued. Puga came to a stop at an unknown location, and she was able to safely exit the white SUV prior to the shooting. She was taken by SBCSD units to the SBCSD Hesperia office for an interview.

Barrett related she was not involved in the freeway shooting and was unaware Puga was possibly involved in one until she was advised by law enforcement. Puga did not disclose to Barrett he had a pistol within the vehicle, nor did she have knowledge he owned any guns. During the pursuit, Puga did not make mention to Barrett he was involved in a freeway shooting.

Barrett related Puga possibly attempted to flee the enforcement stop because he possibly had no bail warrants. From Barrett's knowledge, Puga is a responsible driver and does not get involved in road rage. Barrett described Puga's vehicle as a white, unknown make and model, SUV. Barrett described Puga as a heavyset, bald, Hispanic male, with facial hair, and was wearing an unknown color t-shirt. Puga is the owner of the white SUV and does not loan his vehicle to other people.

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6. NARRATIVE (CONTINUED):

On Friday, February 19, 2021, at approximately 1642 hours, I was contacted by Officer J. Rodriguez, ID 21422, at the CHP Victorville Area office. Officer J. Rodriguez related he was able to obtain a copy of the surveillance camera footage containing the Ford and Honda exiting the freeway using the I-15 northbound to Roy Rogers Drive off-ramp. Both vehicles were seen exiting the freeway and going eastbound on Roy Rogers Drive. The surveillance camera footage was from Valley High Kia and was put onto a compact disk (Refer to Officer J. Rodriguez supplemental for more details). After I received the compact disk from Officer J. Rodriguez, it was booked into evidence.

On Monday, February 22, 2021, at approximately 1415 hours, I was contacted by Officer J. Rodriguez at the CHP Victorville Area office. Officer J. Rodriguez was able to obtain a copy of the 9-1-1 recording made by Pacheco. The recording was provided by BDC and was copied onto a compact disk (Refer to Officer J. Rodriguez supplemental for more details). After I received the compact disk from Officer J. Rodriguez, it was booked into evidence.

On Tuesday, February 23, 2021, at approximately 1357 hours, I received an email from Officer B. Baker, ID 21176, from the CHP Critical Incident Investigation Team (CIIT). Officer Baker informed me the suspect was positively identified by the SBCSD as Hector Javier Puga (CA DL: D7320932). The on-scene Ford of the officer involved shooting was identified as a white, 2000 Ford Expedition (VIN: 1FMEU17L4YLC09487). In addition, Officer Baker related a pistol was found at the officer involved shooting scene. No make or model was identified for the pistol. The firearm was described as black and silver pistol, with an unknown serial number.

On Wednesday, February 24, 2021, at approximately 1025 hours, I was contacted by Officer J. Rodriguez, and he advised he created a photo lineup for Pacheco. Officer J. Rodriguez told me to contact Pacheco to set a date and time for a photo lineup. At approximately 1035 hours, I contacted Pacheco via telephone, and requested him to come to the CHP Victorville Area office for a photo lineup.

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6. NARRATIVE (CONTINUED):

On Wednesday, February 24, 2021, at approximately 1742 hours, Pacheco arrived at the CHP Victorville Area office for a photo lineup and contacted Officer C. Ramos, ID 21878. Pacheco was escorted to the front of Officer Ramos' patrol vehicle and Officer Ramos activated his Mobile Video/Audio Recording Systems (MVARs) (Disc: 6). Officer Ramos read the CHP 216L, Lineup Admonishment, verbatim to Pacheco and Pacheco related he understood. Pacheco chose picture number 6, as Puga and signed the photo at approximately 1750 hours. However, the correct picture of Puga was picture number 2. When Pacheco signed and chose his photo, he stated, "I think that's him". The photo lineup was booked into evidence.

Additional follow-up will be conducted and be submitted in the form of a supplemental report. The following follow-up will be conducted:

- Interview the registered owner of the Ford
- Obtain a warrant for Puga's phone
- Obtain a geofencing warrant for Puga's phone

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7. EVIDENCE:

Evidence stored at California Highway Patrol Victorville Area office

Evidence Number 20210033- One unknown caliber bullet

Compact disk containing 28 pictures

Compact disk containing interview recording of Christina R. Barrett

Compact disk containing surveillance camera footage provided by
Valley High Kia

Compact disk containing recording of Salvador Hernandez Pacheco
calling 9-1-1

Original signed CHP 216L, Lineup Admonishment, from Salvador
Hernandez Pacheco and photos of lineup

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8. ANALYSIS AND OPINIONS:

- The crime of 644 PC/ 187 PC- Attempted Murder. This can be established because the suspect had the intent to unlawfully murder, Salvador Hernandez Pacheco. Based on Pacheco's statement, the description of the subject vehicle given by Pacheco, and the physical evidence found on Pacheco's vehicle, the subject had the intention of killing Pacheco by intentionally pointing a firearm at Pacheco's vehicle and firing a bullet from the firearm. The description of the subject given by Pacheco matched the description of Puga.
- The crime of 245(A)(2) PC- Assault with a Deadly Weapon. This can be established because the suspect committed an assault upon the victim, Pacheco, with a deadly weapon to cause serious bodily injury or death. Based on Pacheco's statement, the description of the subject vehicle given by Pacheco, and the physical evidence found on Pacheco's vehicle, the subject had the intention of committing serious bodily injury by intentionally pointing a firearm on Pacheco's vehicle and firing a bullet from the firearm. At the time, Pacheco's vehicle was occupied and in motion. The discharge of the firearm caused damage to the right front passenger door and right front passenger seat of Pacheco's vehicle. In addition, the description of the subject given by Pacheco matched the description of Puga.
- The crime of 246 PC- Discharge of Firearm. This can be established because the subject willfully discharged a firearm in a grossly negligent manner towards the victim, Pacheco, while the involved vehicles were in motion. Based on Pacheco's statement, the description of the subject vehicle given by Pacheco, and the physical evidence found on Pacheco's vehicle, the discharge of the subject's firearm could have resulted in injury or death. The discharge of the firearm caused damage to the right front passenger door and right front passenger seat of Pacheco's vehicle. In addition, the description of the subject given by Pacheco matched the description of Puga.

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9. RECOMMENDATIONS:

Due to Hector Javier Puga being deceased, no charges are being recommended.

10. MOBILE VIDEO/AUDIO RECORDING SYSTEMS (MVARs) INFORMATION:

This event involved a CHP patrol vehicle(s) equipped with an MVARs that may or may not have been activated, and may or may not have captured all information relevant to the event. The original MVARs recording(s) are maintained at the Victorville Area.

The following CHP personnel were present at the event:

1. Officer A. Tovar, ID 21643, Investigating Officer, MVARs activated.
2. Sergeant I. Kee, ID 16418, Supervisor, MVARs not activated.
3. Officer X. Rodriguez, ID 21675- Assisting Officer, MVARs not activated
4. Officer J. Leanos, ID 22386- Assisting Officer, MVARs not activated
5. Officer C. Ramos, ID 21878- Assisting Officer, MVARs activated

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